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Attorneys for Defendants
CREATIVE IMAGING BY ROBERT GARCIA,
INC. and KIMBERLY MOSS

FILED FOR THE COURT

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LIFETOUCH NATIONAL SCHOOL
STUDIOS INC.,

Plaintiff,

v.

KIMBERLY MOSS-WILLIAMS, an
individual; CREATIVE IMAGING BY
ROBERT GARCIA, INC.; and Does 1
through 100, inclusive,

Defendants.

Case No. 10-05297 RMW MED

**STIPULATION TO VACATE TRIAL DATE
AND ~~PROPOSED~~ ORDER**

Complaint Filed: March 25, 2010
Trial Date: November 5, 2012

TO THE HONORABLE COURT:

WHEREAS Plaintiff LIFETOUCH NATIONAL SCHOOL STUDIOS, INC. and Defendants KIMBERLY MOSS-WILLIAMS and CREATIVE IMAGING BY ROBERT GARCIA, INC. (collectively the "Parties") on March 6, 2012 submitted to the U.S. Magistrate assigned to this matter Joint Discovery Report #2 for determination;

WHEREAS Joint Discovery Report #2 requested that the Magistrate resolve discovery issues in this matter that are essential to the litigation of this matter and that will help the Parties frame the rest of discovery, possible settlement, and significantly affect the issues at trial;

1 WHEREAS the Magistrate has the matter under submission, but has not yet issued a
2 decision;

3 WHEREAS by Order of the Court, Document 62, issued on January 10, 2012, this matter
4 is currently set for trial to begin on November 5, 2012 and the lay discovery cutoff is set for July
5 12, 2012; and

6 WHEREAS due to the fact that discovery is in essence "on hold" until the Parties receive
7 and evaluate the decision of the Magistrate on the discovery issue;

8 IT IS HEREBY STIPULATED AND AGREED by and between the Parties through their
9 respective counsel of record:

10 1. That the trial date and all discovery and pre-trial deadlines be vacated pending the
11 U.S. Magistrate's ruling on Joint Discovery Report #2;

12 2. That once the U.S. Magistrate issues a ruling, the Parties will immediately submit
13 to the court a Proposed Case Management Order with a new suggested trial date and the
14 suggested necessary discovery and pre-trial deadlines and will request the scheduling of a further
15 case management conference and, if logical at that time, a settlement conference before a
16 Magistrate.

17 JACKSON LEWIS LLP

18
19 DATED: May 25, 2012

By: s/Dylan B. Carp
Dylan B. Carp
Travis Raymond
Attorneys for Plaintiff
LIFETOUCH NATIONAL SCHOOL
STUDIOS INC.

22 LAW OFFICES OF BURTON F. BOLTUCH

23
24 DATED: May 25, 2012

By: s/Burton F. Boltuch
Burton F. Boltuch
Attorney for Defendants
KIMBERLY MOSS-WILLIAMS and
CREATIVE IMAGING BY ROBERT
GARCIA, INC.

~~PROPOSED~~ ORDER

Based on this Stipulation of the Parties and for good cause shown, it is hereby ordered that the trial in this matter scheduled for November 5, 2012 and all discovery and pre-trial deadlines are VACATED. Following the issuance of a ruling on the Parties' Joint Discovery Report #2, the Parties are to immediately submit to the Court a Proposed Case Management Order requesting a new trial date, discovery and pre-trial deadlines, are to request the scheduling of a further case management conference and, if logical at that time, request a settlement conference before a Magistrate.

**THE FOREGOING STIPULATION
IS APPROVED AND IS SO ORDERED.**

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Dated: May ____, 2012

Ronald M. Whyte
United States District Court Judge

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